



August 16, 2018

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Written Ex Parte Communication, MB Docket Nos. 17-264, 17-105, 05-6

Dear Ms. Dortch:

The National Association of Broadcasters (NAB) files this ex parte notice to reiterate its support for elimination of the Commission's rules requiring broadcast licensees to provide public notices for filing various license applications, and to provide additional information on our alternative proposal as it relates to a small subset of stations/applications.

The FCC should eliminate the requirement that broadcasters provide additional public notice – beyond that the Commission itself provides – of their application filings.¹ As detailed in our comments, these notices are superfluous and simply do not result in public comment.²

¹ See Comments of National Association of Broadcasters, MB Docket Nos. 17-264, 17-105, 05-6 (Dec. 29, 2017) (NAB Comments). See also Letter to Marlene H. Dortch, Secretary, FCC from Erin L. Dozier of NAB, MB Docket Nos. 17-264, 17-105, 05-6 (Apr. 13, 2018) (NAB April 13, 2018 Ex Parte); Letter to Marlene H. Dortch, Secretary, FCC from Erin L. Dozier, NAB, MB Docket Nos. 17-264, 17-105, 05-6 (Mar. 5, 2018) (NAB March 5, 2018 Ex Parte).

² NAB Comments at 8-9. NAB reviewed the 389 full power television license renewal applications filed in 2012 using the FCC's Consolidated Database System and found that only six applications – or 1.5 percent – were the subject of any public comment (drawing seven total filings). See Petition to Deny License Renewals of Citizens for Responsibility and Ethics in Washington, FCC File Nos. BRC DT-20120531AKE/AKK/AJL (Aug. 22, 2012); Letter from Bradley Snow re: FCC File Nos. BRC DT-20120531AKE/AKK/AJL (Aug. 28, 2012) (Snow Letter); Letter from Bob Terpstra re: FCC File Nos. BRC DT-20120531AKE/AKK/AJL (Sept. 6, 2012) (Terpstra Letter); Informal Objection of Bright House Networks, FCC File No. BRC DT-20120927AKV (Sept. 23, 2013); Letter from Bob Campell, Mayor of DuFuniak Springs, FL to William T. Lake, Chief, Media Bureau, FCC, FCC File No. BRC DT-20120927AKV (Sept. 30, 2013); Letter from J. Gordon Bengston re: FCC File No. BRC DT-20120530AIF (May 16, 2012); Letter from Herbert Max Bradley re: FCC File No. BRC DT-20120730AFS (Aug. 5, 2012) (Bradley Letter). Those who did file likely did not rely on broadcaster-generated notices to learn of the applications (e.g., filings by a Washington,

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Accordingly, the current rules place unnecessary burdens on broadcasters without providing a corresponding public interest benefit.

As an alternative to eliminating broadcaster-generated notices, NAB has urged the FCC to eliminate its newspaper notice requirements and permit broadcasters to make brief on-air announcements that refer audiences to websites with additional information.³ During an ex parte meeting, FCC staff inquired about how a combination of on-air and online notices could apply to licensees who are unable to make on-air announcements, either because they are not yet on-the-air in their proposed communities of license (e.g., new stations or stations changing their communities of license) or because they do not originate programming (translators, boosters, and certain low power television stations).⁴ While NAB believes that FCC-generated public notices of these applications is sufficient, we suggested that, as an alternative, such stations could be permitted to purchase an online equivalent of a newspaper notice, such as an advertisement on a website associated with a local newspaper, TV or radio station.⁵

NAB wishes to elaborate on its position regarding notices for stations that cannot broadcast on-air announcements. NAB believes that even if the Commission does not identify online options that it deems sufficiently comparable to print newspaper notices, it should not retain the print newspaper notice requirement for these stations. These stations' inability to originate on-air notices will not create a significant information gap. First, the public notices generated by the FCC when applications are filed provide appropriate notice to viewers and listeners. Second, translator and booster stations are frequently the subject of the same assignment and transfer applications as their commonly-owned full-power counterparts. Since they are re-broadcasting the programming of those full-power stations, they would also be re-broadcasting relevant on-air announcements and directing viewers/listeners to relevant online notices. Third, retaining the requirement for these stations would be inequitable. The limited number of stations that would not be airing application announcements because they are in one of three categories – (i) translator and booster

D.C.-based watchdog group, a major cable provider, and a mayor supporting the cable operator's position). Even comments filed by the general public appear to rely on Internet information sources. Of the four comments filed by individuals, two included references to the FCC file numbers associated with the applications, rather than merely identifying the stations' call letters (Snow Letter, Terpstra Letter), and one included a printed page from the FCC's website within instructions on how to file petitions to deny, informal objections and comments (Bradley Letter). Thus, to the extent that filers are not corporations or non-profit organizations with Washington, D.C. offices staffed by attorneys/lobbyists who frequently appear before the FCC and other government entities, such filers also are comfortable using the FCC's website to learn about and address broadcast applications.

³ NAB Comments at 10-11, *citing Amendment of Section 73.1216 of the Commission's Rules Related to Broadcast Licensee-Conducted Contests*, Report and Order, 30 FCC Rcd 10468 (2015) (Contest Order). See also NAB April 13, 2018 Ex Parte.

⁴ NAB March 5, 2018 Ex Parte.

⁵ NAB April 13, 2018 Ex Parte.

stations changing hands independent of a larger transaction; (ii) new stations; or (iii) stations changing community of license – should be exempt from the notice requirement. Otherwise, the FCC’s new “streamlined” rule would paradoxically continue to impose a burden on smaller, weaker stations (i.e., new stations and secondary services), while granting relief to their established, full-power counterparts. The record, which is devoid of evidence that viewers and listeners rely on these announcements to offer comment on pending applications, cannot justify this result.

NAB appreciates the Commission’s ongoing efforts to modernize its media regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERL Dozier', written in a cursive style.

Erin L. Dozier
Senior Vice President and Deputy General Counsel
Legal and Regulatory Affairs

cc: Raelynn Remy, Holly Saurer, Sarah Whitesell